

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

4:08CR3030

V.)

CHARLES M. MCMILLAN,)

MEMORANDUM AND ORDER

Defendant.)

The evidentiary hearing of defendant's motion to suppress, (filing no.23), was held on April 22, 2009 before Magistrate Judge Piester. At the close of the hearing, the defendant was afforded access to the original traffic stop videotape to determine if an enhanced videotape should be prepared and offered as additional evidence in support of defendant's motion. The parties were also granted leave to file supplemental post-hearing briefs. The defendant has not moved for production an enhanced videotape, and the parties' post-hearing briefs have been filed. Defendant's motion to suppress was fully submitted on May 22, 2009.

Judge Piester has not filed a report and recommendation on defendant's motion to suppress, and he is unavailable to do so at this time. Furthermore, a motion to dismiss (filing 21) remains unresolved. Accordingly,

IT IS ORDERED that:

Promptly, counsel for the parties shall contact my chambers to schedule a conference call regarding how to proceed on the defendant's motion to suppress *and* defendant's motion to dismiss.

DATED this 12th day of June, 2009.

BY THE COURT:
s/Richard G. Kopf
United States District Judge